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FILED
IN OPEN COURT

STATE OF INDIANA)
COUNTY OF LAPORTE) SS:

IN THE LAPORTE SUPERIOR COURT
2005 CONTINUOUS TERM NOV 7 2005

Lawrence J. Spunk

CLERK OF LA PORTE SUPERIOR COURT VOL. 8

ERIC D. SMITH,
Plaintiff

Cause No. 46DO3- 0511MI377

-VS-

STEPHEN J. HUCKINS, et al,
Defendants

ORDER

Pursuant to Indiana Code 34-58-1-1, the Court now reviews the plaintiff's filing of November 2, 2005.

Plaintiff's complaint of approximately seven pages alleges that the defendants violated the plaintiff's freedom of speech and prevented him from prosecuting things of great importance to the plaintiff. The plaintiff further complains of the policies of the defendants and requests a permanent injunction against the defendants

The Court finds that plaintiff's claim is not one upon which relief may be granted. The law does not support the plaintiff's allegation that the Court is to decide in an injunctive manner the day to day issues of the Department of Corrections. Furthermore, the facts themselves do not support any Constitutional violation of the plaintiff's rights as an inmate of the Department of Corrections.

The Court now finds that pursuant to Indiana Code 34-58-1-2(a)(2), plaintiff's complaint lacks both a legal and factual basis. Thus, the Court finds that plaintiff's claim may not proceed.

The Court further finds that three prior civil actions filed by this plaintiff have been dismissed pursuant to Indiana Code 34-58-1-2. See: Eric D. Smith v. Ralph Carrasco and David Miller, Cause No. 46DO3-0505-CT-184; Eric D. Smith v. Lt. P.B. McKee, et al, 46DO3-0508-MI-290; and Eric D. Smith v. Maximum Control Facility, et al, 46DO3-0511-PL-374.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff's claim in the above-captioned cause may not proceed.

IT IS LASTLY ORDERED, ADJUDGED AND DECREED that the plaintiff herein my not file a new complaint or petition without the Court first determining that he is in immediate danger of serious bodily injury as defined by I.C. 35-41-1-25.

SO ORDERED this 7 day of November, 2004.

Paul J. Baldoni
Paul J. Baldoni, Judge
LaPorte Superior Court No. 3

cc: Eric D. Smith